NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 06-1344

BY REPRESENTATIVE(S) Plant, Madden, Benefield, Borodkin, Carroll M., Carroll T., Cerbo, Coleman, Curry, Frangas, Gallegos, Garcia, Green, Hodge, Judd, Kerr A., Larson, Lindstrom, Marshall, McGihon, Merrifield, Pommer, Ragsdale, Todd, Vigil, Weissmann, and Paccione;
also SENATOR(S) Fitz-Gerald, Bacon, Boyd, Groff, Grossman, Keller, Sandoval, Shaffer, Veiga, Williams, and Windels.

CONCERNING AUTHORIZATION OF DOMESTIC PARTNERSHIPS BETWEEN SAME-SEX COUPLES, AND, IN CONNECTION THEREWITH, CREATING THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT" TO EXTEND BENEFITS, PROTECTIONS, AND RESPONSIBILITIES TO SUCH COUPLES, AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 15
Colorado Domestic Partnership
Benefits and Responsibilities Act

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

14-15-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT".

14-15-102. Legislative declaration. THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS ARTICLE IS TO PROVIDE ELIGIBLE SAME-SEX COUPLES THE OPPORTUNITY TO OBTAIN THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES AFFORDED BY COLORADO LAW TO SPOUSES CONSISTENT WITH THE PRINCIPLES OF EQUALITY UNDER LAW AND RELIGIOUS FREEDOM EMBODIED IN BOTH THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THIS STATE.

14-15-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ESTABLISHED A DOMESTIC PARTNERSHIP PURSUANT TO THIS ARTICLE.

(3) "DOMESTIC PARTNERSHIP" MEANS TWO ELIGIBLE PERSONS WHO HAVE ESTABLISHED A RELATIONSHIP PURSUANT TO THIS ARTICLE AND WHO SHALL RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

(4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE WITH THIS ARTICLE.

(5) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED UNION OF ONE MAN AND ONE WOMAN.

(6) "SPOUSES" MEANS TWO PERSONS MARRIED PURSUANT TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE.

(7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL STATISTICS IN THE DEPARTMENT.

14-15-104. Requisites of a valid domestic partnership. (1) FOR A DOMESTIC PARTNERSHIP TO BE ESTABLISHED IN COLORADO, THE DOMESTIC PARTNERS SHALL SATISFY ALL OF THE FOLLOWING CRITERIA:

(a) NOT BE A PARTNER IN ANOTHER DOMESTIC PARTNERSHIP;

(b) NOT BE MARRIED TO ANOTHER PERSON;

(c) BE OF THE SAME SEX AND THEREFORE EXCLUDED FROM THE MARRIAGE LAWS OF THIS STATE, AS SPECIFIED IN THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE; AND

(d) MEET THE CRITERIA AND OBLIGATIONS SET FORTH IN THIS ARTICLE.

14-15-105. Person shall not enter into a domestic partnership with a relative. (1) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC PARTNERSHIP WITH AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER, WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

(2) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC PARTNERSHIP WITH AN UNCLE OR AUNT OR WITH A NIECE OR NEPHEW, WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

(3) A DOMESTIC PARTNERSHIP BETWEEN PERSONS PROHIBITED BY SUBSECTION (1) OR (2) OF THIS SECTION FROM ENTERING INTO A DOMESTIC PARTNERSHIP IS VOID.

14-15-106. Benefits, protections, and responsibiiities of partners in a domestic partnership. (1) A DOMESTIC PARTNER SHALL HAVE THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW, WHETHER THEY DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW, AS ARE GRANTED TO SPOUSES.

(2) A DOMESTIC PARTNER SHALL BE INCLUDED IN ANY DEFINITION OR USE OF THE TERMS "SPOUSE", "FAMILY", "IMMEDIATE FAMILY", "DEPENDENT", "NEXT OF KIN", AND ANY OTHER TERM THAT DENOTES THE SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED THROUGHOUT THE LAW.

(3) DOMESTIC PARTNERS SHALL BE RESPONSIBLE FOR THE FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER AS PRESCRIBED UNDER LAW FOR SPOUSES.

(4) THE LAW OF DOMESTIC RELATIONS, INCLUDING DECLARATION OF INVALIDITY, LEGAL SEPARATION AND DISSOLUTION OF MARRIAGE, CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION, AND MAINTENANCE SHALL APPLY TO DOMESTIC PARTNERS.

(5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY IN LIKE MANNER TO DOMESTIC PARTNERS:

(a) LAWS RELATING TO TITLE, TENURE, DESCENT AND DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP, OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER, INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

(b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL STATUS, INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR ACTIONS UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON SPOUSAL STATUS;

(c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL STATUS;

(d) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE TRANSFERS AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE;

(e) WORKERS' COMPENSATION BENEFITS;

(f) ADOPTION LAW AND PROCEDURE;

(g) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;

(h) THE RIGHT TO DESIGNATE A DOMESTIC PARTNER AS A BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES RETIREMENT SYSTEM;

(i) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER AND POLICE PENSIONS;

(j) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S., NOTWITHSTANDING THE INTIMATE RELATIONSHIP REQUIREMENT;

(k) VICTIM'S COMPENSATION RIGHTS PURSUANT TO ARTICLE 4.1 OF TITLE 24, C.R.S.;

(l) LAWS RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME PATIENTS DESCRIBED IN SECTION 25-1-120, C.R.S.;

(m) TERMINAL CARE DOCUMENTS, MEDICAL TREATMENT DOCUMENTS, AND DECISIONS MADE PURSUANT TO THE "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE 15, C.R.S., MEDICAL DECISIONS MADE PURSUANT TO ARTICLE 18.5 OF TITLE 15, C.R.S., AND ANY MEDICAL DURABLE POWER OF ATTORNEY OR ADVANCE MEDICAL DIRECTIVES PURSUANT TO ARTICLE 14 OF TITLE 15, C.R.S.;

(n) RIGHTS CONCERNING DIRECTION OF THE DISPOSITION OF A DECEASED DOMESTIC PARTNER'S LAST REMAINS PURSUANT TO ARTICLE 19 OF TITLE 15, C.R.S.;

(o) LAWS RELATING TO MAKING, REVOKING, AND OBJECTING TO ANATOMICAL GIFTS BY OTHERS PURSUANT TO THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S.;

(p) FAMILY LEAVE BENEFITS;

(q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

(r) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY AND

EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

(s) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY COMMITMENT OF A DOMESTIC PARTNER;

(t) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT TO PART 2 OF ARTICLE 41 OF TITLE 38, C.R.S.;

(u) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM ATTACHMENT, EXECUTION, OR GARNISHMENT;

(v) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE COVERAGE, INCLUDING THE ABILITY TO COVER A DOMESTIC PARTNER AS A DEPENDENT.

(6) THE RESPONSIBILITIES AND RIGHTS OF DOMESTIC PARTNERS, WITH RESPECT TO A CHILD OF WHOM EITHER BECOMES THE BIOLOGICAL PARENT DURING THE TERM OF THE DOMESTIC PARTNERSHIP, SHALL BE DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE PROVISIONS OF SECTION 19-4-105, C.R.S.

14-15-107. Modification of domestic partnership terms. DOMESTIC PARTNERS MAY MODIFY THE TERMS, CONDITIONS, OR EFFECTS OF THEIR DOMESTIC PARTNERSHIPS IN THE MANNER SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR UNDERSTANDINGS WITH RESPECT TO THEIR PARTNERSHIP.

14-15-108. Dissolution, legal separation, and declaration of invalidity of domestic partnerships. THE DISTRICT COURT HAS JURISDICTION OVER ALL PROCEEDINGS RELATING TO THE DISSOLUTION OF A DOMESTIC PARTNERSHIP, LEGAL SEPARATION OF A DOMESTIC PARTNERSHIP, OR THE DECLARATION OF INVALIDITY OF A DOMESTIC PARTNERSHIP. SUCH PROCEEDINGS SHALL FOLLOW THE PROCEDURES SPECIFIED IN ARTICLE 10 OF THIS TITLE.

14-15-109. Domestic partnership license and certificate. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR AN APPLICATION FOR A DOMESTIC PARTNERSHIP LICENSE, WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE AND PLACE OF BIRTH OF EACH PARTY TO THE PROPOSED DOMESTIC PARTNERSHIP; AND, FOR SUCH PURPOSE, PROOF OF DATE OF BIRTH MAY BE BY A BIRTH CERTIFICATE, A DRIVER'S LICENSE, OR OTHER COMPARABLE EVIDENCE;

(b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR PREVIOUSLY BEEN A PARTNER IN A DOMESTIC PARTNERSHIP, SUCH PARTY'S MARRIED OR PREVIOUS NAME AND THE DATE, PLACE, AND COURT IN WHICH THE MARRIAGE OR DOMESTIC PARTNERSHIP WAS DISSOLVED OR DECLARED INVALID OR THE DATE AND PLACE OF DEATH OF THE FORMER SPOUSE OR FORMER PARTNER IN THE DOMESTIC PARTNERSHIP;

(c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH PARTY;

(d) WHETHER THE PARTIES ARE RELATED TO EACH OTHER AND, IF SO, THEIR RELATIONSHIP.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORMS FOR THE DOMESTIC PARTNERSHIP LICENSE, THE DOMESTIC PARTNERSHIP CERTIFICATE, AND THE CONSENT TO FORM A DOMESTIC PARTNERSHIP.

14-15-110. Issuance of a domestic partnership license - certification - fee. (1) WHEN BOTH PARTIES TO A PROPOSED DOMESTIC PARTNERSHIP COMPLETE A DOMESTIC PARTNERSHIP APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE COUNTY CLERK AND RECORDER AND PAYS THE DOMESTIC PARTNERSHIP LICENSE FEE OF SEVEN DOLLARS, AND AN ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121, C.R.S., TO BE CREDITED TO THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION 25-2-121, C.R.S., AND THE COUNTY CLERK AND RECORDER DETERMINES THAT THE PARTIES MEET THE REQUIREMENTS FOR PROOF OF LEGAL QUALIFICATIONS AS SPECIFIED IN SECTION 14-15-111, THE COUNTY CLERK AND RECORDER SHALL ISSUE A DOMESTIC PARTNERSHIP LICENSE AND A DOMESTIC PARTNERSHIP CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED DOMESTIC PARTNERSHIP SHALL SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS STATED.

(2) THE DOMESTIC PARTNERSHIP LICENSE SHALL BE ISSUED BY THE COUNTY CLERK AND RECORDER OF THE COUNTY WHERE EITHER PARTY

RESIDES OR, IF NEITHER IS A RESIDENT OF THE STATE, BY ANY COUNTY CLERK AND RECORDER IN THE STATE.

(3) ONE OF THE PARTIES TO A PROPOSED DOMESTIC PARTNERSHIP, WITHIN THIRTY DAYS AFTER THE DATE OF ISSUE, SHALL DELIVER THE DOMESTIC PARTNERSHIP LICENSE TO A PERSON AUTHORIZED TO CERTIFY DOMESTIC PARTNERSHIPS BY SECTION 14-15-113. IF THE AUTHORIZED PERSON DOES NOT CERTIFY THE PROPOSED DOMESTIC PARTNERSHIP WITHIN THIRTY DAYS AFTER THE DATE OF ISSUE, THE LICENSE SHALL BECOME VOID. AFTER AN AUTHORIZED PERSON HAS CERTIFIED THE DOMESTIC PARTNERSHIP, THE DOCUMENT SHALL BE KNOWN AS A DOMESTIC PARTNERSHIP CERTIFICATE.

14-15-111. Proof of legal qualifications of parties to a domestic partnership. BEFORE ISSUING A DOMESTIC PARTNERSHIP LICENSE TO AN APPLICANT, THE COUNTY CLERK AND RECORDER SHALL BE SATISFIED THAT EACH PARTY TO THE INTENDED DOMESTIC PARTNERSHIP MEETS THE CRITERIA SET FORTH IN SECTION 14-15-104 TO ENTER INTO A DOMESTIC PARTNERSHIP.

14-15-112. Restrictions as to minors and wards. (1) A COUNTY CLERK AND RECORDER SHALL NOT ISSUE A DOMESTIC PARTNERSHIP LICENSE WHEN EITHER PARTY TO THE INTENDED DOMESTIC PARTNERSHIP IS:

(a) UNDER EIGHTEEN YEARS OF AGE;

(b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF SUCH GUARDIAN.

(2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL MAKE THE DOMESTIC PARTNERSHIP VOIDABLE.

14-15-113. Persons authorized to certify domestic partnerships - registration - fee. (1) A DOMESTIC PARTNERSHIP MAY BE CERTIFIED BY A JUDGE OF A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE DOMESTIC PARTNERSHIP, OR IN ACCORDANCE WITH ANY MODE OF RECOGNITION OF A DOMESTIC PARTNERSHIP BY ANY RELIGIOUS DENOMINATION OR INDIAN NATION OR TRIBE.

(2) EITHER THE PERSON CERTIFYING THE DOMESTIC PARTNERSHIP OR,

IF NO INDIVIDUAL ACTING ALONE CERTIFIED THE DOMESTIC PARTNERSHIP, A PARTY TO THE DOMESTIC PARTNERSHIP SHALL COMPLETE THE DOMESTIC PARTNERSHIP CERTIFICATE AND RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE THAT ISSUED THE LICENSE WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE DOMESTIC PARTNERSHIP WAS CERTIFIED. A PERSON WHO FAILS TO FORWARD THE DOMESTIC PARTNERSHIP CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED BY THIS SECTION SHALL BE REQUIRED TO PAY A LATE FEE IN AN AMOUNT OF NOT LESS THAN TWENTY DOLLARS. AN ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING REQUIREMENTS OF THIS SUBSECTION (2) UP TO A MAXIMUM OF FIFTY DOLLARS. FOR PURPOSES OF DETERMINING WHETHER A LATE FEE SHALL BE ASSESSED PURSUANT TO THIS SUBSECTION (2), THE DATE OF FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

(3) UPON RECEIPT OF THE DOMESTIC PARTNERSHIP CERTIFICATE, THE COUNTY CLERK AND RECORDER SHALL REGISTER THE DOMESTIC PARTNERSHIP.

(4) NO PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF ANY RELIGIOUS INSTITUTION OR DENOMINATION SHALL BE REQUIRED TO CERTIFY ANY DOMESTIC PARTNERSHIP IN VIOLATION OF HIS OR HER RIGHT TO THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF ARTICLE II OF THE COLORADO CONSTITUTION.

14-15-114. Domestic partnership license required for certification. PERSONS AUTHORIZED BY SECTION 14-15-113 TO CERTIFY DOMESTIC PARTNERSHIPS SHALL REQUIRE A DOMESTIC PARTNERSHIP LICENSE FROM THE PARTIES BEFORE CERTIFYING THE DOMESTIC PARTNERSHIP. THE LICENSE SHALL AFFORD FULL IMMUNITY TO THE PERSON WHO CERTIFIES THE DOMESTIC PARTNERSHIP.

14-15-115. Evidence of domestic partnership. A COPY OF THE RECORD OF THE DOMESTIC PARTNERSHIP RECEIVED FROM THE COUNTY CLERK AND RECORDER OR THE STATE REGISTRAR SHALL BE PRESUMPTIVE EVIDENCE OF THE DOMESTIC PARTNERSHIP IN ALL COURTS.

14-15-116. Construction. (1)THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES

TO A DOMESTIC PARTNERSHIP, CREATE OR RECOGNIZE A LEGAL STATUS SIMILAR TO THAT OF MARRIAGE AS DEFINED IN SECTIONS 14-2-101 TO 14-2-104, OR ALTER THE PUBLIC POLICY OF THIS STATE WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A COUPLE THAT HAS ENTERED INTO A DOMESTIC PARTNERSHIP PURSUANT TO THIS ARTICLE IF THE CHILD PLACEMENT AGENCY OBJECTS TO SUCH PLACEMENT ON THE BASIS OF RELIGIOUS BELIEFS.

(3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PERMIT THE FILING OF A JOINT INCOME TAX RETURN BY THE PARTIES TO A DOMESTIC PARTNERSHIP.

14-15-117. Enacting legislation. THE GENERAL ASSEMBLY SHALL ENACT LEGISLATION TO IMPLEMENT THIS ARTICLE, INCLUDING THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTNERS IN A DOMESTIC PARTNERSHIP AS OUTLINED IN SECTION 14-15-106.

SECTION 2. 25-2-105, Colorado Revised Statutes, is amended to read:

25-2-105. Vital statistics, reports, and certificates - forms and information to be included. (1) The state registrar shall prescribe, furnish, and distribute such forms as are required by this article and shall furnish and distribute such rules ~~and regulations~~ as are promulgated pursuant to section 25-2-103. The state registrar may also prescribe such other means for transmission of data as will accomplish the purpose of complete and accurate reporting and registration.

(2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH RESPECT TO DOMESTIC PARTNERSHIP CERTIFICATES, AS DEFINED IN SECTION 14-15-103 (4), C.R.S.

SECTION 3. Article 2 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-2-106.5. Reports of domestic partnerships. EACH COUNTY CLERK AND RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION AND USING THE FORM AS PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED DOMESTIC PARTNERSHIP CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-113, C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, A COUNTY CLERK AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL DOMESTIC PARTNERSHIP REPORTS FOR ALL DOMESTIC PARTNERSHIP CERTIFICATES REGISTERED IN THE PRECEDING PERIOD. ANY COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED COPIES OF DOMESTIC PARTNERSHIP CERTIFICATES.

SECTION 4. 25-2-107 (1), Colorado Revised Statutes, is amended to read:

25-2-107. Reports of adoption, dissolution of marriage, domestic partnerships, parentage, and other court proceedings affecting vital statistics - tax on court action affecting vital statistics. (1) The clerk of each court or, for parentage proceedings, the clerk of the court or a delegate child support enforcement unit shall prepare a report containing such information and using such form as may be prescribed and furnished by the state registrar with respect to every decree entered by the court with respect to parentage, legitimacy, adoption, change of name, dissolution of marriage, legal separation ~~or~~ OF A MARRIAGE, declaration of invalidity of marriage, DISSOLUTION OF A DOMESTIC PARTNERSHIP, LEGAL SEPARATION OF A DOMESTIC PARTNERSHIP, OR DECLARATION OF INVALIDITY OF A DOMESTIC PARTNERSHIP, and every decree amending or nullifying such a decree and also with respect to every decree entered pursuant to section 25-2-114. On or before the tenth day of each month, or more frequently if so requested by the state registrar, such clerk shall forward to the state registrar the reports for all such decrees entered during the preceding period.

SECTION 5. 25-2-117 (2) (d) and (2) (e), Colorado Revised Statutes, are amended, and the said 25-2-117 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25-2-117. Certified copies furnished - fee. (2) An applicant shall pay fees established pursuant to section 25-2-121 for each of the following services:

(d) The verification of marriage or divorce; ~~and~~

(e) The reproduction of various vital statistics, publications, reports, and data services; AND

(f) THE VERIFICATION OF A DOMESTIC PARTNERSHIP OR DISSOLUTION OF A DOMESTIC PARTNERSHIP.

SECTION 6. 2-4-401, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

2-4-401. Definitions. The following definitions apply to every statute, unless the context otherwise requires:

(2.2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ENTERED INTO A DOMESTIC PARTNERSHIP IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

(2.3) "DOMESTIC PARTNERSHIP" MEANS THAT TWO ELIGIBLE PERSONS HAVE ESTABLISHED A RELATIONSHIP PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

(2.4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE WITH THE PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

SECTION 7. 24-72-204 (3) (a) (XIX), Colorado Revised Statutes, as enacted by House Bill 06-1357, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XIX) (A) Except as provided in sub-subparagraphs (B) and (C) of this subparagraph (XIX), applications for a marriage license submitted pursuant to section 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS FOR A DOMESTIC PARTNERSHIP LICENSE SUBMITTED PURSUANT TO SECTION 14-15-109, C.R.S. A person in interest under this subparagraph (XIX) includes an immediate family member of either party to the marriage application OR TO THE DOMESTIC PARTNERSHIP APPLICATION. As used in this subparagraph (XIX), "immediate family member" means a person who is related by blood, marriage, or adoption. Nothing in this subparagraph (XIX) shall be construed to prohibit the inspection of marriage licenses or marriage certificates OR TO DOMESTIC PARTNERSHIP LICENSES OR DOMESTIC PARTNERSHIP CERTIFICATES or to otherwise change the status of those licenses or certificates as public records.

(B) Any record of an application for a marriage license submitted pursuant to section 14-2-106, C.R.S., shall be made available for public inspection fifty years after the date that record was created.

(C) Upon application by any person to the district court in the district wherein a record of an application for a marriage license OR FOR A DOMESTIC PARTNERSHIP LICENSE is found, the district court may, in its discretion and upon good cause shown, order the custodian to permit the inspection of such record.

SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2006, the sum of fifty-eight thousand fifty-two dollars ($58,052) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum and said FTE, twenty-four thousand one hundred sixty-seven dollars ($24,167) and 0.5 FTE shall be allocated to the Colorado civil rights division and thirty-three thousand eight hundred eighty-five dollars ($33,885) shall be allocated to the executive director's office.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2006, the sum of thirty-three thousand eight hundred eighty-five dollars ($33,885) and 0.2 FTE, or so much thereof as may be necessary, for the

provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 9. Effective date - applicability. This act shall take effect February 12, 2007, and shall apply to domestic partnerships entered into on or after said date.

SECTION 10. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO THE COLORADO REVISED STATUTES TO AUTHORIZE DOMESTIC PARTNERSHIPS, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT" TO EXTEND TO SAME-SEX COUPLES IN A DOMESTIC PARTNERSHIP THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES THAT ARE GRANTED BY COLORADO LAW TO SPOUSES, PROVIDING THE CONDITIONS UNDER WHICH A LICENSE FOR A DOMESTIC PARTNERSHIP MAY BE ISSUED AND THE CRITERIA UNDER WHICH A DOMESTIC PARTNERSHIP MAY BE DISSOLVED, MAKING PROVISIONS FOR IMPLEMENTATION OF THE ACT, AND PROVIDING THAT A DOMESTIC PARTNERSHIP IS NOT A MARRIAGE, WHICH CONSISTS OF THE UNION OF ONE MAN AND ONE WOMAN?" The votes cast for the adoption or rejection of said

act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.

Andrew Romanoff SPEAKER OF THE HOUSE OF REPRESENTATIVES	Joan Fitz-Gerald PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE